

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE APOLINAR MIRANDA-
ORNELAS,

Defendant.

8:23CR49

**MEMORANDUM
AND ORDER**

This matter is before the Court on the magistrate judge's¹ Findings and Recommendation (Filing No. 32) recommending denial of defendant Jose Apolinar Miranda-Ornelas's ("Miranda-Ornelas") Motion to Suppress (Filing No. 20) to which Miranda-Ornelas has timely objected (Filing No. 33). Having reviewed the evidence and submissions by the government and Miranda-Ornelas, the Court and overrules Miranda-Ornelas's objections and accepts the Findings and Recommendation.

On December 8, 2022, a Nebraska county judge issued a search warrant for a house located at 3630 R Street in Omaha, Nebraska. That search warrant was issued based on an application and affidavit submitted by Omaha Police Department Detective Chris Rock. The execution of the warrant led law enforcement to incriminating evidence, and Miranda-Ornelas making incriminating statements.

On February 22, 2023, a federal grand jury returned a one-count indictment against Miranda-Ornelas charging him with conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(b)(1) and 846 (Filing No. 1).

¹ The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

Miranda-Ornelas seeks to suppress all evidence and statements obtained as a result of the search warrant. Miranda-Ornelas argues the warrant application and supporting affidavit were insufficient to establish probable cause.² Miranda-Ornelas further argues it was not objectively reasonable for officers to proceed in good faith on the warrant.

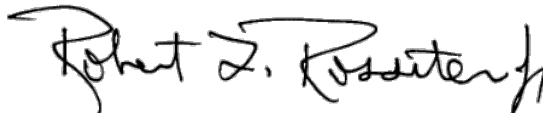
The Court has carefully reviewed, de novo, the warrant affidavit, application, the parties' arguments, and the balance of the record in this case. Based upon that review, the Court agrees with the magistrate judge's sound reasoning and conclusion that the warrant affidavit and application contained sufficient information that there was "a fair probability of contraband or evidence of drug trafficking" would be found in Miranda-Ornelas's residence.

IT IS ORDERED:

1. Defendant Jose Apolinar Miranda-Ornelas's objections (Filing No. 33) is overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 32) is accepted.
3. Miranda-Ornelas's Motion to Suppress Evidence and Statements (Filing No. 20) is denied.

Dated this 26th day of June 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge

²Because the motion to suppress was limited to this issue, no evidentiary hearing was necessary.